

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Jane Doe,

Plaintiff,

v.

Georgia Department
of Corrections, *et al.*,

Defendants.

Civil Action No. 1:23-cv-5578-MLB

**DEFENDANTS' MOTION TO
EXTEND RESPONSIVE PLEADING DEADLINES**

Defendants Georgia Department of Corrections (GDC), MHM Correctional Services Inc. (MHM), and Wellpath LLC, along with all individually named Defendants, respectfully request an extension of time to file responsive pleadings to Plaintiff's amended complaint (Dkt. 105), to a single deadline of June 17, 2024. In support of this motion, Defendants state the following:

1. There currently are at least four different responsive pleading deadlines active in this case due to various dates of service and waivers.
2. The Court stayed the responsive pleading deadline on December 11, 2023, pending its ruling on Plaintiff's motion for a preliminary injunction. (Dkt. 49).

3. On February 13, 2024, Plaintiff filed an amended complaint. (Dkt. 105).¹

4. On April 17, 2024, the Court issued an order granting in part and denying in part the Plaintiff's preliminary injunction motion. (Dkt. 131).

5. Named GDC Defendants Sharon Lewis, Chad Lohman, and Randy Sauls waived service on December 8, 2023, making their original responsive pleading deadline February 6, 2024 (Dkt. 30), pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(ii). Accounting for the three days that elapsed prior to the Court staying the deadline, as well as the date the stay lifted on April 17, 2024, the current responsive pleading deadline for GDC Defendants Lewis, Lohman, and Sauls is June 13, 2024.

6. On December 8, 2023, Plaintiff served the following Defendants, resulting in an original responsive pleading deadline of December 29, 2023, pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i): GDC, Tyrone Oliver (GDC), Deshawn Jones (GDC), Donald Bowling (MHM), Cathleen Cleary (MHM), Rhonda Billings (MHM), Sherri Skibinski (MHM), Jeremy Lane (MHM), Sidney Moore (MHM), W. Ausborn (MHM), Wellpath LLC, Jewellann Clarke (Wellpath), and

¹ Plaintiff's filing of an amended complaint did not alter any responsive pleading deadlines because the time remaining for each Defendant to respond to the original pleading was greater than the 14 days allowed by Federal Rule of Civil Procedure 15(a)(3).

Latonya James (Wellpath). (Dkts. 40–41, 46–47). Accounting for the three days that elapsed prior to the Court staying the deadline, as well as the date the stay lifted on April 17, 2024, the current responsive pleading deadline for the above-listed Defendants is May 6, 2024.

7. Plaintiff served GDC Defendant Anthony Mulloy on December 14, 2023, resulting in Mulloy’s original responsive pleading deadline of January 4, 2024, pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(1). (Dkt. 62). Accounting for the stay that was in place at the time Plaintiff served Mulloy, Mulloy’s current responsive pleading deadline is May 8, 2024.

8. MHM waived service on February 7, 2024, resulting in an original responsive pleading deadline of April 8, 2024, pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(iii). (Dkt. 112). Accounting for the stay of the deadline that was in place at the time MHM waived service, MHM’s current responsive pleading deadline is June 17, 2024.

9. GDC Defendant Jamal Kinte Roberts has not been served.

10. As it stands, Defendant MHM has a different responsive pleading deadline than the individually named MHM providers, while GDC and its individually named Defendants have at least three different responsive pleading deadlines.

11. A single deadline of June 17, 2024, would mitigate the piecemeal and duplicative responses that might result from having multiple responsive pleading deadlines, especially for Defendants associated with the same entities. Without an extension, the Court will see many separate filings that likely could have been joined together if they were on the same response schedule.

12. Extending the responsive pleading deadline to June 17, resulting in the same deadline for all Defendants, would ease the administrative burden on the Court and the parties, including the review and tracking of numerous redundant and overlapping filings.

13. Furthermore, the large number of individuals named in the complaint warrants an extension of time to respond. The coordination between and amongst counsel for 19 different defendants necessarily takes more time than a complaint that names fewer people.

14. Likewise, the length and complexity of Plaintiff's complaint warrants an extension. Plaintiff's amended complaint is 84 pages in length. It contains claims brought under the Eighth Amendment, the Americans with Disabilities Act, and the Rehabilitation Act. The fact-intensive nature of the record in this case, the complexity of the claims at issue, and the sheer number of items that require a response necessitate the grant of an extension to June 17, 2024.

15. Defendants are authorized to represent that Plaintiff does not oppose this motion.

CONCLUSION

For all these reasons, Defendants respectfully request that the Court extend the time for filing Defendants' various responsive pleading deadlines to the single deadline of June 17, 2024.

Respectfully submitted this 30th day of April, 2024.

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing brief conforms to the requirements of L.R. 5.1C.

The brief is prepared in 14-point Times New Roman font.

/s/ Jeffrey M. Harris

CERTIFICATE OF SERVICE

I certify that, on April 30, 2024, I electronically filed the foregoing with the Court and served it on opposing counsel through the Court's CM/ECF system. All counsels of record are registered ECF users.

/s/ Jeffrey M. Harris